

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING (IN LAS CRUCES)

CASE No.: No. CR 15-4268 JB **DATES:** February 26-March 02, 2018

CASE CAPTION: *USA v. DeLeon, et al.*

CRD: J. Standridge **COURT REPORTER:** J. Bean

MONDAY, FEBRUARY 26, 2018

COURT IN SESSION:	8:23 a.m. 10:15 a.m. 11:59 a.m. 2:28 p.m. 4:12 p.m.	COURT IN RECESS:	10:01 a.m. = 1:38 11:47 a.m. = 1:32 1:33 p.m. = 1:34 4:01 p.m. = 1:33 5:32 p.m. = 1:20 TOTAL = 7:37
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TUESDAY, FEBRUARY 27, 2018

COURT IN SESSION:	8:22 a.m. 10:00 a.m. 11:47 a.m. 2:21 p.m. 3:57 p.m.	COURT IN RECESS:	9:47 a.m. = 1:25 11:30 a.m. = 1:30 1:18 p.m. = 1:31 3:47 p.m. = 1:26 5:36 p.m. = 1:39 TOTAL = 7:31
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WEDNESDAY, FEBRUARY 28, 2018

COURT IN SESSION:	8:24 A.M. 10:14 A.M. 12:00 P.M. 2:25 P.M. 4:13 P.M.	COURT IN RECESS:	10:02 A.M. = 1:38 11:47 A.M. = 1:33 1:32 P.M. = 1:32 4:03 P.M. = 1:38 5:34 P.M. = 1:21 TOTAL = 7:42
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THURSDAY, MARCH 01, 2018

COURT IN SESSION:	8:22 A.M. 10:02 A.M. 12:55 P.M. 1:37 P.M. 3:20 P.M. 5:02 P.M.	COURT IN RECESS:	9:49 A.M. = 1:27 11:34 A.M. = 1:32 1:20 P.M. = 0:25 3:02 P.M. = 1:25 4:46 P.M. = 1:26 5:36 P.M. = 0:34 TOTAL = 6:49
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FRIDAY, MARCH 02, 2018

COURT IN SESSION:	8:26 A.M. 10:15 A.M. 12:01 P.M. 2:28 P.M. 4:33 P.M.	COURT IN RECESS:	10:02 A.M. = 1:36 11:48 A.M. = 1:33 1:33 P.M. = 1:32 4:00 P.M. = 1:32 5:41 P.M. = 1:08 TOTAL = 7:21
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TYPE OF PROCEEDING: Jury Selection/Jury Trial (see below)

COURT'S RULING/DISPOSITION:

1.

**ORDER CONSISTENT WITH COURT'S RULING TO BE
PREPARED BY:**

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Maria Armijo/Randy Castellano/
Matthew Beck, AUSAs

ATTORNEYS PRESENT FOR DEFENDANT(S):

Richard Jewkes/Amy Jacks (for Deft. Daniel
Sanchez)

Marc Lowry/Theresa Duncan (for Deft. Anthony
Ray Baca)

William Maynard/Carrie Bhalla (for Deft. Carlos
Herrera)

Ryan Villa/Justine Fox-Young (for Deft. Rudy
Perez)

COURT IN SESSION:

8:30 a.m.

COURT:

Calls case. Counsel enter appearances. FBI
Special Case Agent Brian Acee present. Eda
Gordon, Investigator, present with Defendant
Perez. Cynthia Gilbert, paralegal, present for all
defense teams.

MONDAY, FEBRUARY 26, 2018

8:23 a.m. Court in session.

Court: Addresses conspiracy charge.

Mr. Maynard: Moves for requested judgment of acquittal Re: Deft Herrera.

Mr. Castellano: Responds to argument by Mr. Maynard.

Mr. Maynard: Replies to response by Mr. Castellano.

8:28 a.m. Court: Denies Rule 29 Motion Re: Deft Herrera.

8:30 a.m. Mr. Villa: Moves for directed verdict under Rule 29, as to Counts 6 & 7 Re: Deft Perez.

Mr. Castellano: Responds to argument by Mr. Villa.

Mr. Villa: Replies to response by Mr. Castellano.

8:36 a.m. Court: Denies Rule 29 Motion Re: Deft Perez.

8:38 a.m. Ms. Jacks: Moves for directed verdict under Rule 29 Re: Deft Sanchez.

Mr. Castellano: Responds to argument by Ms. Jacks.

8:40 a.m. Court: Denies Rule 29 Motion Re: Deft Perez.

8:43 a.m. Ms. Jacks: Renewed Motion to Severe Deft Sanchez. Requests a Mistrial.

Mr. Castellano: Responds to argument by Ms. Jacks Re: Deft Sanchez.

Ms. Jacks: Replies to response by Mr. Castellano.

Court: Denies Motion to Severe Deft Sanchez.

Mr. Beck: Addresses Motion in Limine filed 02/25/2018.

9:02 a.m. Jury enters courtroom.

9:05 a.m. Mr. Lowry: Calls Tim Bryan to testify.

Clerk: Swears in Tim Bryan.

Mr. Lowry: Direct examination of Mr. Bryan, on behalf of Deft Baca.

9:08 a.m. Mr. Lowry: Moves to admit Mr. Bryan as an expert in field of computer forensics and forensic technological services.

Mr. Beck: No objection.

Court: Admits Mr. Bryan as an expert in field of computer forensics and forensic technological services.

9:21 a.m. Mr. Lowry: Moves admission of Defendant Exhibit FT.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit FT.

9:24 a.m. Mr. Beck: Objection. Hearsay.

Court: Sustained.

9:26 a.m. Mr. Lowry: Moves to admit Defendant Exhibit FU.

Mr. Beck: Requests to approach.

Court: Calls and conducts bench conference.

9:28 a.m. Court: Admits Defendant Exhibit FU.

9:35 a.m. Mr. Beck: Objection. Request to approach.

Court: Calls and conducts bench conference.

9:29 a.m. Mr. Lowry: Continue direct examination of Mr. Bryan.

9:44 a.m. Mr. Lowry: Passes the witness.

Ms. Jacks: Direct examination of Mr. Bryan, on behalf of Deft Sanchez.

9:48 a.m. Mr. Beck: Objection. Foundation.

Court: Witness may answer if he knows.

9:49 a.m. Mr. Beck: Objection: Foundation and relevance.

Court: Witness may answer if he knows.

Ms. Jacks: Passes the witness.

Mr. Villa: Requests to approach.

Court: Calls and conducts bench conference.

9:55 a.m. Mr. Villa: Direct examination of Mr. Bryan, on behalf of Deft Perez.

9:56 a.m. Mr. Beck: Cross examination of Mr. Bryan.

10:01 a.m. Court in recess

10:15 a.m. Court in session.

Ms. Duncan: Joins in on Deft Sanchez Motion to Sever and Mistrial, on behalf of Deft Baca.

Mr. Castellano: Responds to Motion by Ms. Duncan.

10:18 a.m. Jury enters courtroom.

10:22 a.m. Mr. Beck: Moves to admit Govt Exhibit 781.

Defense: No objection.

Court: Admits Govt Exhibit 781.

10:26 a.m. Mr. Beck: Passes the witness.

Mr. Lowry: Re-direct of Mr. Bryan.

Court: Mr. Bryan may step down from the witness stand. Witness is excused from the proceedings.

10:30 a.m. Ms. Duncan: Calls Edward Urtiaga to testify.

Clerk: Swears in Edward Urtiaga.

Ms. Duncan: Direct examination of Mr. Urtiaga.

10:36 a.m. Ms. Armijo: Objection. Relevance.

Court: Over-ruled.

10:37 a.m. Ms. Armijo: Objection. Leading.

Court: Over-ruled.

10:38 a.m. Ms. Armijo: Objection. Foundation.

Court: Lay some foundation.

Ms. Armijo: Objection. Foundation.

Court: Over-ruled.

10:39 a.m. Ms. Armijo: Objection. No question before the witness.

Court: Over-ruled.

10:42 a.m. Ms. Duncan: Passes the witness.

Defense: No further direct examination by any other defense counsel.

Ms. Armijo: Cross examination of Mr. Urtiaga.

10:46 a.m. Ms. Duncan: Requests to approach.

Court: Calls and conducts bench conference.

10:48 a.m. Ms. Armijo: Continues cross examination of Mr. Urtiaga. Passes the witness.

Ms. Duncan: Re-direct examination of Mr. Urtiaga.

10:51 a.m. Ms. Armijo: Objection. Hearsay.

Court: Sustained.

10:52 a.m. Ms. Armijo: Objection. Beyond the scope of cross

Court: Over-ruled.

Ms. Armijo: Objection. Leading.

Court: Over-ruled.

Defense: No re-direct examination of Mr. Urtiaga by defense.

Ms. Armijo: Re-cross examination of Mr. Urtiaga.

Ms. Duncan: Objection. Hearsay.

Court: Do not get into hearsay evidence.

10:56 a.m. Ms. Duncan: Objection. Mis-stating testimony.

Court: Over-ruled.

10:58 a.m. Ms. Duncan: Objection. Calls for speculation.

Court: Witness may answer if he knows.

10:59 a.m. Court: Striking answer of lying re: speculation.

Ms. Duncan: Re-direct of Mr. Urtiaga.

11:00 a.m. Court: Mr. Urtiaga may step down from the witness stand. Witness is subject to recall. Witness may return to Santa Fe.

11:01 a.m. Mr. Lowry: Calls Bryan Acee to testify.

Mr. Lowry: Direct examination of SA Acee.

11:32 a.m. Mr. Castellano: Objection. Calls for hearsay.

Court: Jury instruction – Statements not considered for the truth of the matter, only for the purpose if the statements made it into the report.

11:47 a.m. Court in recess.

11:59 a.m. Court in session.

Court: Addresses Count 8 re: Deft Baca.

12:03 p.m. Jury enters courtroom.

Court: Reminds SA Acee that he is still under oath.

Mr. Lowry: Continues direct examination of SA Acee.

12:14 p.m. Mr. Castellano: Objection.

Mr. Lowry: Withdraws question.

12:24 p.m. Ms. Armijo: Requests to approach.

Court: Calls and conducts bench conference.

12:26 p.m. Continues direct examination of SA Acee.

12:27 p.m. Mr. Lowry: Marks Defendant Exhibit V29 (not admitted).

12:35 p.m. Mr. Lowry: Passes the witness.

Ms. Fox-Young: Direct examination of SA Acee, on behalf of Deft Perez.

12:43 p.m. Mr. Castellano: Objection. Hearsay.

Court: Jury Instruction – May only use reports to consider what was or was not in the reports and not for the truth of the matter.

1:01 p.m. Ms. Fox-Young: Marks Defendant Exhibit FV.

1:02 p.m. Ms. Fox-Young: Moves to admit Defendant Exhibit FV.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit FV.

1:06 p.m. Mr. Castellano: Objection. Calls for hearsay.

Court: Calls and conducts bench conference.

1:09 p.m. Court: Jury instruction – Can use statement for how credible Mr. Rodriguez is, but not for the truth of the matter.

1:33 p.m. Court in recess.

2:28 p.m. Court in session.

Court: Inquires if Ms. Jacks is wanting to call witnesses out of order.

2:32 p.m. Jury enters courtroom.

Court: Reminds SA Acee that he is still under oath.

Ms. Fox-Young: Continues direct examination of SA Acee.

2:39 p.m. Court: Calls and conducts bench conference.

Ms. Fox-Young: Continues direct examination of SA Acee.

3:19 p.m. Mr. Castellano: Objection. Referral of other testimony.

Court: Witness may answer if he recalls testimony by other witnesses.

3:27 p.m. Ms. Fox-Young: Marks Defendant Exhibit FW.

3:28 p.m. Ms. Fox-Young: Moves to admit Defendant Exhibit FW. (not admitted)

Mr. Castellano: Objection. Requests to approach.

Court: Calls and conducts bench conference.

3:31 p.m. Ms. Fox-Young: Continues direct examination of SA Acee.

3:35 p.m. Mr. Castellano: Objection.

Court: Witness may state if he knows the case law.

3:43 p.m. Mr. Castellano: Objection. Counsel testifying.

Ms. Fox-Young: Will move on.

3:47 p.m. Court: Calls and conducts bench conference.

4:01 p.m. Court in recess.

4:12 p.m. Court in session.

Court: Addresses transcript sent to the Court by Ms. Duncan.

4:15 p.m. Jury enters courtroom.

Court: Reminds SA Acee that he is still under oath.

Ms. Fox-Young: Continues direct examination of SA Acee.

4:24 p.m. Ms. Fox-Young: No further questions.

Court: Allows Ms. Jacks to call witnesses out of order. SA Acee may step down from the witness stand. Witness will be recalled to continue direct examination.

Ms. Jacks: Calls James Brewster to testify.

Clerk: Swears in James Brewster.

Ms. Jacks: Direct examination of Mr. Brewster.

4:29 p.m. Mr. Beck: Objections. Leading.

Court: Over-ruled.

4:30 p.m. Ms. Jacks: Marks Defendant Exhibit W7. (not admitted)

4:35 p.m. Ms. Jacks: Moves to admit Defendant Exhibit W8.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit W8.

4:38 p.m. Ms. Jacks: Marks Defendant Exhibit T.

Ms. Jacks: Moves to admit Defendant Exhibit T.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit T.

Ms. Jacks: Moves to admit Defendant Exhibit U2.

Mr. Beck: Objection, hearsay. Requests to Voir Dire the witness.

Court: Grants Mr. Beck permission to Voir Dire the witness.

4:43 p.m. Mr. Beck: Voir Dire Mr. Brewster re: Defendant Exhibit U2.

4:44 p.m. Mr. Beck: Marks Govt Exhibit 779. (not admitted)

4:45 p.m. Ms. Jacks: Objection. Foundation of hearsay has been set. Requests to stand by the witness to review Govt Exhibit 779.

Court: Grants request of Ms. Jacks.

4:51 p.m. Mr. Beck: Objects to the admission of Defendant Exhibit U2.

Court: Denies admission of Defendant Exhibit U2.

Ms. Jacks: Continues direct examination of Mr. Brewster.

5:10 p.m. Ms. Jacks: Moves to admit Defendant Exhibit U2.

Court: Denies admission of Defendant Exhibit U2.

5:13 p.m. Ms. Jacks: Moves to admit Defendant Exhibit U2.

Mr. Beck: Objects to admission of Defendant Exhibit U2.

Court: Admits Defendant Exhibit U2.

5:15 p.m. Mr. Beck: Requests to Voir Dire the witness.

Court: Permits Mr. Beck to Voir Dire the witness.

Mr. Beck: Voir Dires the witness.

Court: Admits Defendant Exhibit U2.

5:17 p.m. Mr. Beck: Objects to admission of Defendant Exhibit U2.

Court: Over-ruled.

5:19 p.m. Ms. Jacks: Passes the witness.

Defense: No direct examination by any other defense.

Mr. Beck: Cross examination of Mr. Brewster.

5:22 p.m. Mr. Beck: Moves to admit Govt Exhibit 773.

Ms. Jacks: Objection. Argue outside the presence of the jury.

Court: Admonishes the jury re: discussion of case or testimony.

5:28 p.m. Jury exits courtroom.

Ms. Jacks: Argues objection of Govt Exhibit 773.

Court: Appears that both documents, Govt Exhibits 773 & 778, should be admitted.

Ms. Jacks: Requests electronic copy of Govt Exhibits 773 & 778.

5:32 p.m. Ms. Bhalla: Objection on relevance.

5:32 p.m. Court in recess.

TUESDAY, FEBRUARY 27, 2018

8:22 a.m. Court in session.

Court: Marks "Note From The Jury" form, as Clerk's Exhibit U.

Court: Addresses Count 8, VICAR re: Deft Baca.

Mr. Castellano: Responds to Court's comments.

8:30 a.m. Jury enters courtroom.

Court: Reminds Mr. Brewster that he is still under oath.

Mr. Beck: Continue cross examination of Mr. Brewster.

8:31 a.m. Mr. Beck: Moves to admit Govt Exhibit 773.

Ms. Jacks: Incomplete exhibit. No other objection

Court: Admits Govt Exhibit 773.

8:33 a.m. Mr. Beck: Moves to admit Defendant Exhibit W7.

Defense: No objection

Court: Admits Defendant Exhibit W7.

8:49 a.m. Ms. Jacks: Objection. Relevance re: what is or is not surprising.

Court: Over-ruled.

8:53 a.m. Mr. Beck: Moves to admit Govt Exhibit 774.

Defense: No objection

Court: Admits Govt Exhibit 774.

9:17 a.m. Ms. Jacks: Objection. Evidence shows 3 books.

Court: Over-ruled.

9:21 a.m. Mr. Beck: Moves to admit Govt Exhibit 778.

Defense: No objection

Court: Admits Govt Exhibit 778.

9:41 a.m. Mr. Beck: Moves to admit Govt Exhibit 779.

Defense: No objection.

Court: Admits Govt Exhibit 779.

9:47 a.m. Court in recess.

10:00 a.m. Court in session.

Court: Address e-mail from USMS re: Juror #14.

Court: Marks USMS e-mail dated 02/27/2018 as Clerk's Exhibit V.

10:04 a.m. Court: Marks e-mail from Ms. Duncan (dated 02/26/2018) "Transcript Request" as Clerk's Exhibit W.

10:07 a.m. Jury enters courtroom.

Court: Reminds Mr. Brewster that he is still under oath.

Mr. Beck: Continues cross examination of Mr. Brewster.

10:53 a.m. Mr. Beck: Marks Govt Exhibit 780. (not admitted)

10:58 a.m. Mr. Beck: Passes the witness.

Ms. Jacks: Re-direct examination of Mr. Brewster.

11:00 a.m. Ms. Jacks: Marks Defendant Exhibit W9.

11:01 a.m. Ms. Jacks: Moves to admit Defendant Exhibit W9.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit W9.

11:03 a.m. Ms. Jacks: Marks Defendant Exhibit W10. (not admitted)

11:10 a.m. Mr. Beck: Objection. Leading.

Court: Over-ruled.

11:12 a.m. Mr. Beck: Objection. Leading.

Court: Over-ruled.

11:22 a.m. Mr. Beck: Objection. Foundation.

Court: Over-ruled.

11:27 a.m. Ms. Jacks: Passes the witness.

Defense: No re-direct examination by any other defense counsel.

Mr. Beck: Re-cross examination of Mr. Brewster.

11:29 a.m. Ms. Jacks: Objection. Beyond the scope of direct examination.

Court: Over-ruled.

Mr. Beck: No further questions.

Court: Mr. Brewster may step down from the witness stand. Witness is subject to recall.

Witness must leave the courtroom. Witness may return to Santa fe.

11:30 a.m. Court in recess.

11:47 a.m. Court in session.

Ms. Fox-Young: Moves to admit Defendant Exhibit FW. (not admitted)

Ms. Fox-Young: Moves to admit Defendant Exhibit FW1.

Mr. Castellano: Objects to admission of Defendant Exhibits.

Court: Admits Defendant Exhibit FW1. Does not admit Defendant Exhibit FW.

12:00 p.m. Jury enters courtroom.

Ms. Jacks: Calls William Edgman to testify.

Clerk: Swears in William Edgman.

Ms. Jacks: Direct examination of Mr. Edgman.

12:04 p.m. Ms. Jacks: Moves to admit Defendant Exhibit E19.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit E19.

12:10 p.m. Ms. Jacks: Moves to admit Defendant Exhibit G15.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit G15.

Mr. Lowry: Direct examination of Mr. Edgman.

12:11 p.m. Mr. Lowry: Direct examination of Mr. Edgman.

12:13 p.m. Mr. Castellano: Cross examination of Mr. Edgman.

12:14 p.m. Mr. Castellano: Moves to admit Govt Exhibit 782.

Defense: No objection.

Court: Admits Govt Exhibit 782.

12:25 p.m. Ms. Jacks: No further questions.

Court: Mr. Edgman may step down from the witness stand. Witness is excused from the proceedings.

12:26 p.m. Ms. Jacks: Calls Jodi Upshaw to testify.

Clerk: Swears in Jodi Upshaw.

Ms. Jacks: Direct examination of Ms. Upshaw.

12:32 p.m. Ms. Jacks: Marks Defendant Exhibit FX. (not admitted)

12:34 p.m. Defense: No additional direct examination by any other defense counsel.

Ms. Armijo: Cross examination of Ms. Upshaw.

12:35 p.m. Ms. Armijo: Moves to admit Govt Exhibit 784.

Defense: No objection.

Court: Admits Govt Exhibit 784.

12:43 p.m. Ms. Jacks: Re-direct examination of Ms. Upshaw.

12:44 p.m. Court: Ms. Upshaw may step down from the witness stand. Witness is excused from the proceedings.

Ms. Bhalla: Calls Bobby Delgado to testify.

Mr. Beck: Requests to approach.

Court: Calls and conducts bench conference.

12:48 p.m. Court: Witness Bobby Delgado will be re-called.

Ms. Jacks: Calls Herman Gonzales to testify.

Clerk: Swears in Herman Gonzales.

Ms. Jacks: Direct examination of Mr. Gonzales.

12:51 p.m. Ms. Jacks: Moves to admit Defendant Exhibits T1 – T13.

Govt & Defense: No Objections.

Court: Admits Defendant Exhibits T1 – T13.

1:18 p.m. Court in recess.

2:21 p.m. Court in session.

Court: Appoints Edith Reeves to represent Bobby Delgado.

Court: Stephen Hosford representing Benjamin Clark.

Mr. Villa: Plans on calling Mr. Clark after Mr. Gonzales.

Court: Appoints William Jennings to represent Paul Valenzuela.

Mr. Villa: Plans on calling Mr. Montano.

2:29 p.m. Jury enters courtroom.

Court: Reminds Mr. Gonzales is still under oath.

Ms. Jacks: Continues direct examination of Mr. Gonzales.

Defense: No other direct examination of Mr. Gonzales by any other defense counsel.

Mr. Beck: Cross examination of Mr. Gonzales.

2:38 p.m. Mr. Beck: No further questions.

Defense: No re-direct examination of Mr. Gonzales.

Court: Mr. Gonzales may step down from the stand. Witness is excused from the proceedings.

2:39 p.m. Mr. Villa: Calls Benjamin Clark to testify. (Represented by Stephen Hosford)

Ms. Duncan: Requests to approach.

Court: Calls and conducts bench conference.

2:50 p.m. Clerk: Swears in Benjamin Clark.

Mr. Villa: Direct examination of Mr. Clark.

2:52 p.m. Defense: No further direct examination of Mr. Clark, by any other defense counsel.

Mr. Beck: Cross examination of Mr. Clark.

2:53 p.m. Mr. Villa: Objection. Outside the scope.

Court: Over-ruled.

Mr. Villa/Ms. Duncan: Objection. Hearsay and outside the scope.

Court: Sustained.

2:54 p.m. Mr. Beck: Moves to admit Govt Exhibit 785.

Defense: No objection.

Court: Admits Govt Exhibit 785.

2:56 p.m. Mr. Villa: Objection. Outside the scope.

Court: Allow.

Mr. Villa: Objection. Outside the scope.

Court: Allow.

Mr. Villa: Request to approach

Court: Calls and conducts bench conference.

2:58 p.m. Mr. Beck: Continues cross examination of Mr. Clark.

Ms. Duncan: Objection. Outside the scope.

Court: Sustained.

Mr. Beck: Moves to admit Govt Exhibit 786.

Defense: No objection.

Court: Admits Govt Exhibit 786.

Ms. Duncan: Objection. Outside the scope and hearsay.

Court: Over-ruled.

3:03 p.m. Mr. Beck: Passes the witness.

Mr. Villa: Re-direct examination of Mr. Clark.

Mr. Beck: Objection. Mis-states testimony.

Court: Will allow re-cross examination.

Mr. Villa: No additional questions.

Court: Mr. Clark may step down from the witness stand. Witness is excused from the proceedings.

3:05 p.m. Ms. Bhalla: Calls Bobby Delgado to testify. (Represented by Edith Reeves)

Clerk: Swears in Bobby Delgado.

Ms. Bhalla: Direct examination of Mr. Delgado.

3:21 p.m. Mr. Beck: Objection. Hearsay.

Court: Sustained.

Ms. Bhalla: Restates question.

Mr. Beck: Objection. Hearsay.

Court: Sustained.

Ms. Bhalls: Moves on to another question.

Mr. Beck: Objection. Foundation.

Court: Striking the response. Need to lay foundation.

3:26 p.m. Mr. Beck: Objection. Foundation.

Court: Lay a foundation.

3:29 p.m. Mr. Beck: Objection. Foundation.

Court: Lay a foundation.

Ms. Bhalla: Passes the witness.

Defense: No direct examination by any other defense counsel.

Mr. Beck: Cross examination of Mr. Delgado.

Ms. Bhalla: Objection. Foundation.

Court: Over-ruled.

3:40 p.m. Mr. Beck: No further questions.

Ms. Bhalla: Re-direct examination of Mr. Delgado.

3:43 p.m. Mr. Beck: Objection. Foundation.

Court: Over-ruled.

Ms. Bhalla: No further questions.

Court: Mr. Delgado may step down from the witness stand. Witness is excused from the proceedings.

3:44 p.m. Mr. Villa: Calls Benji Montano to testify. (Represented by Jared Abrams)

3:47 p.m. Court in recess.

3:57 p.m. Court in session.

3: p.m. Clerk: Swears in Benji Montano.

Mr. Villa: Direct examination of Mr. Montano.

Mr. Montano: Asserts his 5th Amendment Right.

4:04 p.m. Mr. Villa: Passes the witness.

Defense: No direct examination of Mr. Montano, by any other defense counsel.

Ms. Armijo: Cross examination of Mr. Montano.

4:05 p.m. Mr. Abrams: Requests to approach.

Court: Calls and conducts bench conference.

4:09 p.m. Mr. Abrams: Objection. Advice Mr. Montano to assert his 5th Amendment Right.

Court: Inquires if Mr. Montano is going to follow counsel advice.

Mr. Montano: Yes. Asserting his 5th Amendment Right.

Mr. Villa: Objection. Outside the scope.

Court: Over-ruled.

Mr. Abrams: Objection. Advice Mr. Montano to assert his 5th Amendment Right.

Court: Lay some foundation.

Ms. Armijo: Continues cross examination of Mr. Montano.

4:13 p.m. Mr. Villa: Objection. Outside the scope.

Court: Over-ruled.

Mr. Abrams: Objection. Advice Mr. Montano to assert his 5th Amendment Right.

Court: Inquires if Mr. Montano is going to follow counsel advice.

Mr. Montano: Yes. Asserting his 5th Amendment Right.

4:17 p.m. Mr. Villa: Objection. Outside the scope.

Court: Will allow.

Mr. Maynard: Objection. Outside the scope.

Court: Over-ruled.

Mr. Villa: Objection.

Court: Over-ruled.

4:21 p.m. Mr. Maynard: Objection. Way beyond the scope.

Court: Over-ruled.

4:23 p.m. Mr. Abrams: Objection.

Court: Sustained.

Mr. Villa: Objection. Outside the scope.

Court: Sustained.

4:26 p.m. Mr. Villa: Objection. Outside the scope.

Court: Sustained.

4:31 p.m. Ms. Armijo: Passes the witness.

Mr. Villa: Re-direct examination of Mr. Montano.

Ms. Armijo: Objection. Calls for speculation.

Court: Over-ruled.

4:32 p.m. Mr. Villa: No further questions.

Court: Mr. Montano can step down from the witness stand. Witness is subject to recall. Witness may leave the court.

Ms. Fox-Young: Calls Paul Valenzuela to testify. (Represented by William Jennings)

4:39 p.m. Clerk: Swears in Paul Valenzuela.

Ms. Fox-Young: Direct examination of Mr. Valenzuela.

4:43 p.m. Mr. Jennings: Objection. Advices witness to assert his 5th Amendment Right.

Court: Calls and conducts bench conference.

4:46 p.m. Ms. Fox-Young: Continues direct examination of Mr. Valenzuela.

Mr. Castellano: Objection.

Mr. Jennings: Objection. Advices witness to assert his 5th Amendment Right.

Court: Inquires of the witness if he is going to follow his counsel's advice.

Mr. Valenzuela: Yes. Asserts his 5th Amendment Right.

Ms. Fox-Young: Passes the witness.

Defense: No direct examination of Mr. Valenzuela by any other defense counsel.

Mr. Castellano: No questions of Mr. Valenzuela.

Court: Mr. Valenzuela may step down from the witness stand. Witness is excused from the proceedings.

4:49 p.m. Mr. Villa: Calls FBI Agent Nancy Stemo.

Ms. Duncan: Requests to approach.

Court: Calls and conducts bench conference.

4:50 p.m. Clerk: Swears in Nancy Stemo.

Mr. Villa: Direct examination of Agent Stemo.

5:25 p.m. Mr. Villa: Passes the witness.

Ms. Jacks: Direct examination of Agent Stemo.

5:32 p.m. Court: Admonishes the jury to not discuss this case with anyone, watch news reports or search information about this case on the internet.

5:34 p.m. Ms. Armijo: Agent Acee not available tomorrow.

Court: Instructs Agent Acee to be present in court tomorrow.

5:36 p.m. Court in recess.

WEDNESDAY, FEBRUARY 28, 2018

8:24 a.m. Court in session.

Court: Addresses the matter re: Juror #14, incident of 02/27/2018.

Ms. Fox-Young: Addresses the matter of Juror #14. Addresses discovery matter on 02/25/2018, counsel received a bag of property belonging to Mario Rodriguez.

Mr. Beck: Responds to Ms. Fox-Young's comments re: discovery matter.

Ms. Fox-Young: Replies to Mr. Beck's response.

8:37 a.m. Jury enters courtroom.

Court: Reminds Agent Stemo that she is still under oath.

Ms. Jacks: Continues direct examination of Agent Stemo.

8:40 a.m. Ms. Jacks: Passes the witness.

Mr. Lowry: Direct examination of Agent Stemo.

Mr. Castellano: Cross examination of Agent Stemo.

8:42 a.m. Ms. Jacks: Objection. Calls for speculation.

Court: Sustained.

Ms. Jacks: Objection. Relevance.

Court: Over-ruled.

8:47 a.m. Mr. Villa: Objection. As to what is true or not true.

Court: Witness should not answer as to what is true or not true.

Mr. Villa: Objection. As to the form of the question.

Court: Over-ruled.

Mr. Villa: Objection. Calls for an opinion to be made by the jury

Court: Jury to make determination.

Mr. Villa: Objection. Calls for hearsay.

Court: Sustained.

8:55 a.m. Ms. Jacks: Objection. Leading.

Court: Over-ruled.

Ms. Jacks: Objection. Mis-stating the facts.

Court: Over-ruled.

Ms. Jacks: Objection. Beyond the scope.

Court: Over-ruled.

Ms. Jacks: Objection. Calls for a conclusion.

Court: Over-ruled.

Ms. Jacks: Objection. Hearsay.

Court: Hear the question, then Court can deal with question.

Ms. Jacks: Objection. Hearsay and relevance.

Court: Over-ruled.

9:01 a.m. Mr. Lowry: Objection. Hearsay.

Court: Allow answer to question to determine credibility of witness. Can only be used as truthfulness of the witness that testified earlier.

9:03 a.m. Ms. Jacks: Objection. Calls for hearsay.

Court: Locate transcript for court to make determination.

9:06 a.m. Ms. Jacks: Responds to Court's inquiry re: transcript location.

Court: Calls and conducts bench conference.

9:20 a.m. Mr. Castellano: Continues cross examination of Agent Stemo.

9:22 a.m. Mr. Villa: Objection. Asked and answered.

Court: Over-ruled.

Mr. Lowry: Objection. Beyond the scope of direct.

Court: Any questions related to Mr. Baca, alert counsel and parties may approach the bench.

Mr. Villa: Objection. Asked and answered.

Court: Over-ruled.

9:24 a.m. Ms. Jacks: Objection. Statements prior inconsistent statements.

Court: Sustained. Answer stricken from the record.

Ms. Jacks: Objection. Calls for speculation.

Mr. Castellano: Will rephrase the question.

Ms. Jacks: Objection. Calls for hearsay.

Court: Sustained.

Ms. Jacks: Requests counsel be admonished when question calls for hearsay.

Court: Counsel may object.

9:28 a.m. Mr. Castellano: Passes the witness.

Mr. Villa: Re-direct examination of Agent Stemo.

9:29 a.m. Mr. Castellano: Objection. Calls for hearsay.

Court: Sustained.

Mr. Castellano: Objection. Beyond the scope.

Court: Over-ruled.

Mr. Castellano: Objection. Counsel is testifying.

Court: Instructs counsel to not testify.

9:35 a.m. Mr. Villa: Passes the witness.

Ms. Jacks: Re-direct examination of Agent Stemo.

Mr. Castellano: Objection. Beyond the scope.

Court: Over-ruled.

Mr. Castellano: Objection. Calls for speculation.

Court: Witness may answer if she knows.

Ms. Jacks: Passes the witness.

10:02 a.m. Court in recess.

10:14 a.m. Court in session.

Court: Reminds Agent Stemo that she is still under oath.

Mr. Lowry: Requests to approach the bench.

Court: Calls and conducts bench conference.

10:23 a.m. Court: Instructs jury to strike any testimony by Agent Stemo re: Deft Baca.

Mr. Castellano: Re-cross examination of Agent Stemo.

10:27 a.m. Mr. Lowry: Objection. Outside the scope.

Court: Witness may answer yes or no.

Mr. Lowry: Objection. Outside the scope.

Court: Keep questions at a general level.

10:28 a.m. Ms. Jacks: Objection. Hearsay.

Court: Wait to hear what the new question is.

Ms. Jacks: Objection. Compound.

Court: Over-ruled.

10:30 a.m. Mr. Castellano: Passes the witness.

Mr. Villa: Re-direct examination of Agent Stemo.

10:32 a.m. Court: Agent Stemo may step down from the witness stand. Witness is subject to recall. Witness may leave the court.

Ms. Fox-Young: Calls Dr. Heather Brislen to testify.

Clerk: Swears in Dr. Heather Brislen.

Ms. Fox-Young: Direct examination of Dr. Brislen.

10:45 a.m. Ms. Fox-Young: Offer Dr. Brislen as an expert on Internal Medicine.

Ms. Armijo: No objection.

Court: Permits Dr. Brislen to testify as an expert on Internal Medicine.

11:09 a.m. Ms. Armijo: Objection. Foundation.

Ms. Fox-Young: Rephrasing question.

11:23 a.m. Ms. Fox-Young: Marks Defendant Exhibit FY. Requests to post as a demonstrative aid.

Govt: No objection.

Court: Admits Defendant Exhibit FY as a demonstrative aid.

11:47 a.m. Court in recess.

12:00 p.m. Court in session.

Ms. Fox-Young: Addresses discovery re: Mario Rodriguez.

Court: Instructs Govt to be prepared with a response to Ms. Fox-Young's concerns re: discovery.

12:03 p.m. Jury enters courtroom.

Court: Reminds Dr. Brislen that she is still under oath.

Ms. Fox-Young: Continues direct examination of Dr. Brislen.

12:34 p.m. Ms. Armijo: Objection. Witness guessing to testimony.

Court: Witness may testify to what she knows, but should not testify to areas she is unsure.

12:40 p.m. Mr. Armijo: Objection. Foundation re: effects of medication.

Court: Lay foundation.

12:49 p.m. Ms. Armijo: Objection. Foundation.

Court: Over-ruled.

1:08 p.m. Ms. Fox-Young: Moves to admit Defendant Exhibit FY.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit FY.

Ms. Fox-Young: Passes the witness.

Defense: No direct examination of Dr. Brislen by any other defense counsel.

Ms. Armijo: Cross examination of Dr. Brislen.

1:14 p.m. Ms. Fox-Young: Objection. Asking for a medical conclusion.

Court: Over-ruled.

Ms. Fox-Young: Objection. Mis-states the testimony.

Court: Over-ruled.

1:24 p.m. Ms. Fox-Young: Objection. Hearsay.

Court: Over-ruled.

1:32 p.m. Court in recess.

2:25 p.m. Court in session.

Ms. Fox-Young: Addresses receipt of late discovery re: Mario Rodriguez. Move for mistrial re: Govt's categorization of Deft Perez's movement.

Court: Witness indicated she did not see Deft Perez move.

2:28 p.m. Mr. Maynard: Moves to strike testimony by Mr. Rodriguez.

Mr. Beck: Responds to argument by Mr. Maynard.

2:31 p.m. Ms. Fox-Young: Request to question Agent Sainato outside the presence of the jury.

Mr. Beck: Agrees defense may speak with Agent Sainato.

2:32 p.m. Jury enters courtroom.

Court: Reminds Dr. Brislen is still under oath.

Ms. Armijo: Continues cross examination of Dr. Brislen.

2:39 p.m. Ms. Fox-Young: Request limiting instruction. Testimony is being offered as propensity purposes.

Court: Over-ruled.

2:54 p.m. Ms. Fox-Young: Objection. Relevance. Deft Perez does not dispute his membership as a gang member.

Court: Over ruled.

Ms. Fox-Young: Request to approach.

Court: Calls and conducts bench conference.

3:10 p.m. Court: Limiting instructions – Jury can not use the evidence of Mr. Perez diagnosis is not admissible for March 7, 2014 and February, 2016.

Ms. Armijo: Continue cross examination of Dr. Brislen.

3:14 p.m. Ms. Fox-Young: Request to approach.

Court: Calls and conducts bench conference.

3:20 p.m. Ms. Armijo: Continue cross examination of Dr. Brislen.

3:26 p.m. Ms. Fox-Young: Objection. Relevance.

Court: Witness may answer a yes/no question.

3:35 p.m. Ms. Fox-Young: Objection. Hearsay.

Court: Ask a question. Do not read from document.

Court: Admonishes the witness to not speak with anyone regarding her testimony or this case.

4:03 p.m. Court in recess.

4:13 p.m. Court in session.

Mr. Lowry: Requests FBI 302 field notes.

Mr. Beck: Responds to request by Mr. Lowry.

Court: If the Govt does not want to turn over the field notes to defense, Govt shall turn them over to the Court for review.

4:17 p.m. Jury enters courtroom.

Court: Reminds Dr. Brislen that she is still under oath.

Ms. Armijo: Continues cross examination of Dr. Brislen.

4:32 p.m. Ms. Armijo: Passes the witness.

Ms. Fox-Young: Re-direct examination of Dr. Brislen.

4:34 p.m. Ms. Armijo: Objection. Leading.

Court: Over-ruled.

4:41 p.m. Ms. Fox-Young: Passes the witness.

Ms. Armijo: Re-cross examination of Dr. Brislen.

Court: Dr. Brislen may step down from the witness stand.

4:41 p.m. Ms. Duncan: Calls Officer Clint Snodgrass to testify.

Clerk: Swears in Clint Snodgrass.

Ms. Duncan: Direct examination of Officer Snodgrass.

5:00 p.m. Ms. Armijo: Objection.

Court: Witness may answer.

Ms. Armijo: Objection. Relevance.

Court: Over-ruled.

Defense: No direct examination by any other defense counsel.

5:01 p.m. Ms. Armijo: Cross examination of Officer Snodgrass.

Ms. Armijo: Passes the witness.

Court: Officer Snodgrass may step down from the witness stand. Witness is excused from the proceedings.

Mr. Villa: Calls Ernie Holguin to testify.

Mr. Villa: Requeststo approach.

Court: Calls and conducts bench conference.

Clerk: Swears in Ernie Holguin.

Mr. Villa: Direct examination of Mr. Holguin.

5:16 p.m. Mr. Villa: Requests to approach.

Court: Calls and conducts bench conference.

5:25 p.m. Mr. Villa: Continues direct examination of Mr. Holguin.

Defense: No direct examination by any other defense counsel.

5:26 p.m. Ms. Armijo: Cross examination of Mr. Holguin.

5:28 p.m. Mr. Villa: Objection. Lack of foundation.

Court: Over-ruled.

Ms. Armijo: Passes the witness.

Mr. Villa: Re-direct examination of Mr. Holguin.

5:32 p.m. Mr. Villa: No further questions.

Ms. Armijo: Re-cross examination of Mr. Holguin.

Mr. Villa: Re-direct examination of Mr. Holguin.

Court: Mr. Holguin may step down from the witness stand. Witness is excused from the proceedings.

5:34 p.m. Court in recess.

THURSDAY, MARCH 1, 2018

8:22 a.m. Court in session.

Court: Addresses jury instructions with parties. Govt Exhibit 164 has not been admitted by the Govt. Govt Exhibit 164 has been submitted as Defendant Exhibit EU.

Ms. Bhalla: Make of record of the late discovery. Material relevant to a number of witnesses for impeachment purposes.

Mr. Lowry: Addresses the issue of FBI 302 field notes.

Ms. Fox-Young: Addresses the issue of exhibits that have not been admitted.

Mr. Beck: Addresses late discovery re: Mario Rodriguez.

Ms. Jacks: Addresses exculpatory evidence received late last night. Filing a motion to dismiss case re: Deft Sanchez.

8:34 a.m. Jury enters courtroom.

8:35 a.m. Mr. Villa: Calls James Mulheron to testify.

Clerk: Swears in James Mulheron.

Mr. Villa: Direct examination of Warden Mulheron.

8:52 a.m. Mr. Villa: Requests to approach.

Court: Calls and conducts bench conference.

8:58 a.m. Mr. Villa: Continue direct examination of Warden Mulheron.

9:01 a.m. Mr. Villa: Passes the witness.

Defense: No direct examination by any other defense counsel.

Mr. Beck: Cross examination of Warden Mulheron.

9:15 a.m. Mr. Beck: Passes the witness.

Mr. Villa: Re-direct examination of Warden Mulheron.

9:17 a.m. Mr. Villa: Passes the witness.

Mr. Beck: Re-cross examination of Warden Mulheron.

9:19 a.m. Mr. Beck: Passes the witness.

Mr. Villa: Re-direct examination of Warden Mulheron.

9:20 a.m. Mr. Beck: Objection. Foundation.

Court: Witness may answer as yes or no.

9:22 a.m. Mr. Villa: Passes the witness.

Mr. Beck: Re-cross examination of Warden Mulheron.

9:30 a.m. Mr. Beck: Passes the witness.

Mr. Villa: Re-direct examination of Warden Mulheron.

9:33 a.m. Court: Warden Mulheron may step down from the witness stand. Witness is excused from the proceedings.

Ms. Duncan: Requests to approach.

Court: Calls and conducts bench conference.

9:49 a.m. Court in recess.

10:02 a.m. Court in session.

Mr. Villa: Addresses jury instruction and count numbering.

Court: Responds to request by defense to remove names and renumber the Indictment.

10:07 a.m. Jury enters courtroom.

10:08 a.m. Mr. Beck: Calls Anthony Romero as rebuttal witness.

Clerk: Swears in Anthony Romero.

Mr. Beck: Direct examination of Mr. Romero.

10:16 a.m. Ms. Duncan: Objection. Calls for hearsay.

Court: Instructs Govt to lead witness through testimony to avoid hearsay.

10:20 a.m. Ms. Duncan: Objection. Calls for hearsay.

Court: Instructs jury – **Witness testimony of inmate classification is used for the purpose by the witness to classify inmates, but may not be used by the jury to determine charges in case.**

10:24 a.m. Mr. Beck: Passes the witness.

Defense: No cross examination by any other defense counsel.

Court: **Mr. Romero may step down from the witness stand. Witness is excused from the proceedings.**

Ms. Armijo: Calls Wendy Perez as rebuttal witness.

10:25 a.m. Ms. Duncan: Requests to approach.

Court: Calls and conducts bench conference.

Clerk: Swears in Wendy Perez.

Ms. Armijo: Direct examination of Ms. Perez

10:35 a.m. Ms. Fox-Young: Objection. Foundation.

Court: Over-ruled.

10:39 a.m. Ms. Fox-Young: Objection. Foundation.

Court: Lay foundation.

Ms. Armijo: Identifies Govt Exhibit 790. (not admitted)

10:41 a.m. Ms. Fox-Young: Objection. Requests to approach.

Court: Calls and conducts bench conference.

10:44 a.m. Ms. Armijo: Continues direct examination of Ms. Perez.

10:47 a.m. Ms. Duncan: Objection.

Court: Testimony has already been allowed. Over-ruled.

10:49 a.m. Ms. Armijo: Passes the witness.

Ms. Fox-Young: Cross examination of Ms. Perez.

11:04 a.m. Ms. Fox-Young: Passes the witness.

Defense: No cross examination by any other defense counsel.

Ms. Armijo: Re-direct examination of Ms. Perez.

Ms. Armijo: Moves to admit Govt Exhibit 789.

Ms. Jacks: Objection.

11:05 a.m. Ms. Armijo: Requests to approach.

Court: Calls and conducts bench conference.

11:13 a.m. Ms. Jacks: Withdraws objection.

Court: Admits Govt Exhibit 788 and 789.

Ms. Armijo: Moves to admit Govt Exhibit 694.

Defense: No objection.

Court: Admits Govt Exhibit 694.

11:15 a.m. Court: Ms. Perez may step down from the witness stand. Witness is excused from the proceedings.

Mr. Beck: Requests to approach.

Court: Calls and conducts bench conference.

11:27 a.m. Court: Jury exits courtroom for lunch. Instructed to return at 1:00 p.m.

Court: Addresses jury instructions.

Mr. Castellano: Responds to court's inquiry of jury instructions.

11:31 a.m. Ms. Bhalla: Presents Defendant Exhibit FZ (not admitted) to the Court for review by the Court.

Govt: No objection.

11:34 a.m. Court in recess.

12:55 p.m. Court in session.

Court: Clean up of jury instructions.

Ms. Jacks: Argues Motion to Dismiss (doc #1841). Requests the Court conduct a hearing regarding motion.

Mr. Beck: Responds to argument by Ms. Jacks. Agrees that a hearing may be appropriate.

Court: Inquires if a hearing should be conducted at this point, outside the presence of the jury.

Mr. Beck: Agrees that a hearing may be appropriate, outside the presence of the jury.

Ms. Jacks: Unknown how long the proposed hearing may take. Informs the court that Mr. Beck is a potential witness, and he may need to confer with counsel.

Court: Inquires if dismissing the jury until 3:30 p.m. today would be appropriate.

Ms. Bhalla: Requests to address evidence received yesterday re: Mario Rodriguez.

Ms. Jacks: Requests to give the jury the remainder of the day off.

Ms. Fox-Young: Mr. Perez joins in the motion.

Ms. Jacks: Requests jury return at 4:00 p.m. today.

Mr. Beck: Requests jury return at 3:30 p.m. today.

1:12 Court: Instructs Clerk to instruct jury to return to the courthouse at 4:00 p.m.

1:14 p.m. Ms. Jacks: Calls Agent Joseph Sainato.

Clerk: Swears in Agent Joseph Sainato.

Ms. Jacks: Direct examination of Agent Sainato. Requests that Mr. Beck be excluded from the hearing.

Mr. Beck: Objects to the request.

Ms. Armijo: Mr. Castellano or Ms. Armijo will conduct the hearing.

Court: Mr. Beck will not be excluded from the hearing.

Ms. Jacks: Since Mr. Beck is not being excluded from the hearing, requests that he be called first to testify.

Mr. Beck: Requests a 15 minute recess to prepare for hearing.

1:20 p.m. Court in recess.

1:37 p.m. Court in session.

Ms. Armijo: Defense may not call Mr. Beck without a Touhy Letter. Govt will not allow the calling of Mr. Beck.

Ms. Jacks: Request a 20 minute recess to prepare a Touhy Letter.

Court: Inquires if Mr. Beck would be willing to answer questions as an officer of the Court.

Ms. Armijo: Willing to inquire with the US Attorney's Office if Mr. Beck would be allowed to answer questions, as an officer of the Court, without a Touhy Letter.

Ms. Bhalla: Re-calls Agent Sainato to the witness stand.

Court: Reminds Agent Sainato is still under oath.

Ms. Bhalla: Direct examination of Agent Sainato.

1:52 p.m. Ms. Bhalla: Marks Defendant Exhibits A, B and C. (not admitted)

2:02 p.m. Ms. Bhalla: Marks Defendant Exhibit D. (not admitted)

2:05 p.m. Ms. Bhalla: Marks Defendant Exhibit E. (not admitted)

2:06 p.m. Ms. Bhalla: Marks Defendant Exhibits F and G. (not admitted)

2:12 p.m. Ms. Bhalla: Marks Defendant Exhibit H. (not admitted)

2:18 p.m. Ms. Bhalla: Marks Defendant Exhibit I. (not admitted)

2:23 p.m. Ms. Bhalla: Marks Defendant Exhibit J. (not admitted)

2:26 p.m. Ms. Bhalla: Marks Defendant Exhibit K. (not admitted)

2:33 p.m. Ms. Bhalla: Passes the witness.

Mr. Villa: Direct examination of Agent Sainato.

2:44 p.m. Mr. Villa: Moves to admit Defendant Exhibit L.

Govt & Defense: No objections.

Court: Admits Defendant Exhibit L (with redactions).

2:50 p.m. Court: Orders the sealing of document #1844-1 (attachment to doc #1844, filed 03/01/2018)

2:51 p.m. Mr. Villa: Moves to admit Defendant Exhibit M (flashdrive).

Govt & Defense: No objections.

Court: Admits Defendant Exhibit M.

2:52 p.m. Mr. Villa: Passes the witness.

Ms. Duncan: Direct examination of Agent Sainato.

2:57 p.m. Ms. Duncan: Passes the witness.

Ms. Jacks: Direct examination of Agent Sainato.

3:02 p.m. Court in recess.

3:20 p.m. Court in session.

Court: Reminds Agent Sainato is still under oath.

Ms. Jacks: Continues direct examination of Agent Sainato.

3:40 p.m. Ms. Jacks: Marks Defendant Exhibit N (not admitted).

3:42 p.m. Ms. Jacks: Marks Defendant Exhibit O (not admitted).

3:44 p.m. Ms. Jacks: Marks Defendant Exhibit P (not admitted).

3:46 p.m. Ms. Jacks: Marks Defendant Exhibit Q (not admitted).

3:48 p.m. Ms. Jacks: Requests to break with Agent Sainato. Call Mr. Beck to testify.

Ms. Armijo: Responds to request re: Mr. Beck testimony.

Court: Cannot compel Govt to be witnesses at this time. Can allow Mr. Beck to proceed as an attorney if parties would like to proceed in that manner.

3:52 p.m. Ms. Jacks: Ms. Duncan has questions for Agent Sainato.

Ms. Duncan: Direct examination of Agent Sainato.

3:55 p.m. Ms. Duncan: Marks Defendant Exhibit R (not admitted).

3:58 p.m. Ms. Duncan: Moves to admit. Defendant Exhibit R

Govt & Defense: No objections.

Court: Admits Defendant Exhibit R.

3:59 p.m. Ms. Jacks: Moves to admit. Defendant Exhibits N, O, P & Q.

Govt & Defense: No objections.

Court: Admits Defendant Exhibits N, O, P & Q.

4:00 p.m. Ms. Jacks: Moves to admit. Defendant Exhibits S & T.

Govt & Defense: No objections.

Court: Admits Defendant Exhibits S & T.

Court: Inquires of parties the amount of time required to complete this hearing.

4:06 p.m. Clerk instructs jury to return on 03/02/2018 at 8:30 a.m.

4:09 p.m. Ms. Fox-Young: Requests Govt representation that all agents notes related to cooperating witnesses have been turned over to defense.

Ms. Armijo: Agent notes related to Mr. Lowry's request have been turned over.

Court: Orders all agents notes of interviews and meetings with cooperating witnesses be turned over to defense.

Mr. Lowry: Request all FBI agent and task force officer notes.

Mr. Beck: All task force officer notes have been disclosed.

Court: Inquires if the Govt will need to have any inmates present to testify tomorrow (03/02/2018).

Ms. Armijo: Will request all cooperating witnesses in custody be present in court tomorrow (03/02/2018) to testify.

Court: Instructs defense to inform the Govt, by end of day, of all cooperating witnesses in custody that will be needed for testimony on 03/02/2018.

4:15 p.m. Ms. Jacks: Continues direct examination of Agent Sainato.

4:23 p.m. Ms. Jacks: Move the removal of Mr. Castellano and Mr. Beck from this hearing.

Court: Denies request. Mr. Castellano and Mr. Beck are attorneys and accept their truthfulness.

Ms. Armijo: Received e-mail from supervisor re: testimony of Mr. Beck. Reads e-mail onto the record.

Ms. Jacks: Argues Mr. Beck and Mr. Castellano's presence in the court during this hearing.

4:27 p.m. Ms. Jacks: Continues direct examination of Agent Sainato.

4:37 p.m. Ms. Jacks: Passes the witness.

Mr. Castellano: Cross examination of Agent Sainato.

Ms. Jacks: Objects to cross examination by either Mr. Castellano or Mr. Beck.

Mr. Castellano: Cross examination of Agent Sainato.

4:40 p.m. Mr. Castellano: Informs the Court of representation by Mr. Jewkes of Robin Lovelace, a/k/a Robin Martinez.

Mr. Jewkes: Responds to Mr. Castellano re: Robin Lovelace.

4:46 p.m. Court in recess.

5:02 p.m. Court in session.

Mr. Castellano: Continue cross examination of Agent Sainato.

5:21 p.m. Mr. Castellano: Moves to admit Govt Exhibit 1.

Defense: No objection.

Court: Admits Govt Exhibit 1.

5:23 p.m. Ms. Bhalla: Moves to admit Defendant Exhibit H.

Govt & Defense: No objection.

Court: Admits Defendant Exhibit H.

5:24 p.m. Mr. Castellano: Passes the witness to Ms. Armijo.

Ms. Armijo: Cross examination of Agent Sainato.

Court: Inquires of Ms. Jacks, what was meant by the Govt sitting on notes for 7 months.

Ms. Jacks: Corrects her earlier statement of who had notes regarding witnesses.

5:27 p.m. Ms. Armijo: Continues cross examination of Agent Sainato.

Court: Requests letters/e-mails re: jury instructions. Encourage parties to come up with remedies to get back to jury.

Defense: Not needing inmate witness for tomorrow.

Ms. Jacks: Request Agent Stemo and Agent Sainato to testify.

5:35 p.m. Ms. Bhalla: Moves to admit Defendant Exhibits A, B, C, D, E, F, G, I, J and K.

Govt: No objections.

Court: Admits Defendant Exhibits A, B, C, D, E, F, G, I, J and K.

5:36 p.m. Court in recess.

FRIDAY, MARCH 2, 2018

8:26 a.m. Court in session.

Court: Inquires if parties are ready to proceed with testimony.

Ms. Fox-Young: Inquires the status of case agent notes that have not been disclosed to defense.

Ms. Armijo: Responds to inquiry by Ms. Fox-Young.

Mr. Lowry: Replies to response by Ms. Armijo.

8:32 a.m. Jury enters courtroom.

Court: Reminds Agent Acee he is still under oath.

Ms. Fox-Young: Continues direct examination of Agent Acee.

8:39 a.m. Ms. Fox-Young: Requests the Govt stipulate that documents in question were produced on Wednesday.

Mr. Beck: Responds to request for stipulation.

8:41 a.m. Ms. Fox-Young: Requests the Govt stipulate that Defendant Exhibit FV was produced on Wednesday.

Mr. Beck: Yes, stipulates to Defendant Exhibit FV was produced on Wednesday.

Mr. Castellano: No objection to the admission of 980 pages for jury to review.

Ms. Fox-Young: Not moving for the admission of 980 pages.

Mr. Castellano: Objection. Foundation.

Court: Over-ruled.

8:56 a.m. Mr. Castellano: Objection, calls for speculation.

Court: Witness may answer yes or no.

Mr. Castellano: Objection, calls for speculation.

Court: Over-ruled.

Mr. Castellano: Objection, calls for hearsay

Court: Witness may answer yes or no.

Mr. Castellano: Objection, calls for speculation.

Court: Instructs for a new question.

8:59 a.m. Ms. Fox-Young: Passes the witness.

Ms. Bhalla: Direct examination of Agent Acee.

9:04 a.m. Ms. Bhalla: Passes the witness.

Ms. Jacks: Direct examination of Agent Acee.

9:08 a.m. Ms. Jacks: Moves to admit Defendant Exhibit FZ.

Mr. Castellano: No objection.

Court: Admits Defendant Exhibit FZ (with redaction)

9:57 a.m. Ms. Jacks: Marks Defendant Exhibit GA.

9:58 a.m. Ms. Jacks: Moves to admit Defendant Exhibit GA.

Mr. Castellano: Objects to admission of Defendant Exhibit GA.

Court: Sustained. Does not admit Defendant Exhibit GA.

Court: Admonishes jury from discussing trial, read news reports, or research the case.

10:02 a.m. Court in recess.

10:15 a.m. Court in session.

Court: Addresses jury instructions with parties.

Mr. Castellano: Responds to inquiries of the Court re: Jury Instructions.

10:20 a.m. Jury enters courtroom.

Court: Reminds Agent Acee that he is still under oath.

Ms. Jacks: Continues direct examination of Agent Acee.

10:26 a.m. Ms. Jacks: Passes the witness.

Mr. Castellano: Cross examination of Agent Acee.

10:27 a.m. Mr. Castellano: Moves to admit all 980 documents.

Ms. Fox-Young: Requests to approach.

Court: Calls and conducts bench conference.

10:33 a.m. Mr. Castellano: Accepts the decision of the Court. Notes objection for the record.

Ms. Fox-Young: Requests to approach.

Court: Calls and conducts bench conference.

Court: Reminds the jury that it is the burden of the Govt to prove the guilt of the defendants, and not the burden of defense to prove their evidence.

10:38 a.m. Ms. Jacks: Objection. Leading.

Court: Avoid asking leading questions.

Ms. Jacks: Objection. Hearsay. Evidence that has not been provided to the defense.

Court: Directs parties to hear question.

Ms. Jacks: Objection. Hearsay.

Court: Sustained

10:42 a.m. Ms. Jacks: Objection. Hearsay.

Court: Sustained.

10:48 a.m. Ms. Jacks: Request limiting instructions.

Court: Limiting Instruction – Statements and testimony may only be used in consideration of guilt as to Deft Baca, and may not be used as to the remaining 3 defendants.

10:51 Mr. Castellano: Moves to play a portion of Govt Exhibit 356.

Ms. Jacks: Request limiting instructions.

Court: Limiting Instruction – Statements and testimony may only be used in consideration of guilt as to Deft Baca, and may not be used as to the remaining 3 defendants.

10:54 a.m. Mr. Lowry: Objection. Mis-stating the facts.

Court: Over-ruled. Allowing witness to testify as to his understanding. Defense may address during re-direct.

10:58 a.m. Mr. Lowry: Objection. Calls for speculation.

Court: Sustained.

11:00 a.m. Mr. Lowry: Objection. Beyond the scope.

Court: Over-ruled.

11:12 a.m. Mr. Maynard: Objection. Beyond the scope of direct examination.

Court: Over-ruled.

11:19 a.m. Ms. Fox-Young: Requests to approach.

Court: Calls and conducts bench conference.

11:21 a.m. Mr. Castellano: Continues cross examination of Agent Agee.

11:22 a.m. Ms. Fox-Young: Up to the jury to determine when a witness is lying or telling the truth.

Court: Lead in question or lead in comment.

11:22 a.m. Ms. Bhalla: Objection. Speculation.

Court: Sustained.

11:31 a.m. Ms. Fox-Young: Objection. Foundation, and goes to attorney-client privilege.

Court: Over-ruled.

11:41 a.m. Mr. Castellano: Moves the admission of Govt Exhibit 777A (pursuant to ruling by the Court.

11:42 a.m. Mr. Castellano: Passes the witness.

Ms. Bhalla: Re-direct examination of Agent Acee.

Mr. Castellano: Objection. Mis-states the facts.

Court: Over-ruled.

11:44 a.m. Ms. Bhalla: Passes the witness.

Mr. Lowry: Re-direct examination of Agent Acee.

11:48 a.m. Court in recess.

12:01 p.m. Court in session.

Ms. Fox-Young: Requests admission of Defendant Exhibit U.

Ms. Armijo: No objection.

Court: Admits Defendant Exhibit U (Brady hearing 03/01/2018).

12:04 p.m. Jury enters courtroom.

Court: Reminds Agent Acee that he is still under oath.

Mr. Lowry: Continues re-direct examination of Agent Acee.

12:17 p.m. Ms. Jacks: Requests limiting instruction.

Court: Limiting Instruction – Audio played and testimony by Agent Acee may only be used in consideration of guilt as to Deft Baca, and may not be used as to the remaining 3 defendants.

12:33 p.m. Mr. Lowry: Moves to admit Defendant Exhibit GB.

Govt & Defense: No objections.

Court: Admits Defendant Exhibit GB.

1:23 p.m. Mr. Lowry: Moves to strike Govt Exhibits 777, 777A and 777B (if offered).

Mr. Castellano: Responds to the request to strike Govt Exhibits 777, 777A and 777B (if offered).

Court: Not admitting Govt Exhibits 777, 777A and 777B (if offered), at this time.

Mr. Lowry: Passes the witness.

Ms. Fox-Young: Re-direct examination of Agent Acee.

1:25 p.m. Mr. Castellano: Objection. Reading the document into the record.

Court: Lay foundation.

1:33 p.m. Court in recess.

2:28 p.m. Court in session.

Court: Addresses note from Juror #17. **Note marked as Clerk's Exhibit X.**

Court: Addresses proposed jury instructions with parties.

Ms. Jacks: Responds to proposed jury instructions.

Mr. Castellano: Responds to proposed jury instructions.

2:37 p.m. Jury enters courtroom.

Court: Reminds Agent Acee that he is still under oath.

Ms. Fox-Young: Continues re-direct examination of Agent Acee.

2:46 p.m. Ms. Fox-Young: Passes the witness.

Ms. Jacks: Re-direct examination Agent Acee.

2:52 p.m. Mr. Castellano: Voir Dire Agent Acee re: Billy Cordova's statement.

Ms. Jacks: Re-direct examination Agent Acee.

2:56 p.m. Ms. Jacks: No further questions.

Mr. Castellano: Re-cross examination of Agent Acee.

Ms. Fox-Young: Beyond the scope. Request to approach.

Court: Calls and conducts bench conference.

Mr. Castellano: Continues re-cross examination of Agent Acee.

3:00 p.m. Ms. Jacks: Objection. Calls for speculation.

Court: Limited to what was told to Agent Acee.

Ms. Jacks: Objection. Vague as to time and relevance.

Court: Over-ruled.

Ms. Jacks: Objection. As to phrasing of question.

3:03 p.m. Mr. Castellano: Passes the witness.

Ms. Fox-Young: Re-direct examination of Agent Acee.

Ms. Jacks: Re-direct examination of Agent Acee.

Court: Agent Acee may step down from the witness stand.

3:05 p.m. Court: Calls and conducts bench conference.

Ms. Jacks: Calls Joseph Sainato to testify.

Clerk: Swears in Joseph Sainato.

Ms. Jacks: Direct examination of Agent Sainato.

Ms. Jacks: Marks Defendant Exhibits GC and GD (not admitted).

3:11 p.m. Ms. Jacks: Requests the Govt stipulate to the receipt of notes on 02/28/2018.

Ms. Armijo: Stipulates notes were sent the evening of 02/28/2018.

3:17 p.m. Ms. Armijo: Objection. Not impeaching evidence.

Ms. Jacks: Responds to objection by Govt.

Ms. Armijo: Requests to approach.

Court: Calls and conducts bench conference.

3:20 p.m. Ms. Jacks: Continues direct examination of Agent Sainato.

3:25 p.m. Ms. Jacks: Passes the witness.

Defense: No direct examination of Agent Sainato by any other defense counsel.

Ms. Armijo: Cross examination of Agent Sainato.

3:31 p.m. Ms. Jacks: Object to counsel reading from the 302. Hearsay.

Court: Do not read from the 302.

Ms. Jacks: Objection. Hearsay.

Court: Sustained.

3:40 p.m. Ms. Jacks: Objection. Assuming facts not in evidence.

Court: Sustained. Striking question and answer.

Ms. Jacks: Objection. Counsel is omitting words.

Court: Over-ruled.

Ms. Jacks: Objection. Mis-states the testimony.

Court: Over-ruled.

3:44 p.m. Ms. Jacks: Objection. Mis-states the testimony.

Court: Over-ruled.

Ms. Armijo: Passes the witness.

Ms. Jacks: Re-direct examination of Agent Sainato.

3:50 p.m. Ms. Armijo: Objections. Mis-states what was written.

Ms. Jacks: Will read what was written.

3:51 p.m. Court: Agent Sainato may step down from the witness stand. Witness is excused from the proceedings.

Court: Calls and conducts bench conference.

3:57 p.m. Mr. Castellano: Stipulates to a report re: Mario Montoya sale of heroin.

Ms. Jacks: On behalf of Defendant Sanchez, defense rests.

Mr. Lowry: On behalf of Defendant Baca, defense rests.

Ms. Bhalla: On behalf of Defendant Herrera, defense rests.

Mr. Villa: On behalf of Defendant Perez, defense rests.

4:00 p.m. Jury exits courtroom.

Court: Propose to print jury instructions for parties to review.

4:00 p.m. Court in recess.

4:33 p.m. Court in session.

Court: Finalizes proposed jury instructions with parties.

4:59 p.m. Mr. Villa: Moves to strike testimony of Billy Cordova and Mario Rodriguez, due to late disclosure.

Court: Denies both motions.

5:16 p.m. Ms. Bhalla: Request Court's ruling on motion to dismiss or mistrial re: Brady/Giglio issue brought up yesterday.

Court: Not going to grant the motion to dismiss or for mistrial at this time.

5:29 p.m. Court: Instructs clerk to inquire jurors if they would like to stay for jury instructions or return on Monday.

5:39 p.m. Jury enters courtroom.

Court: Admonishes jury to not discuss case with fellow jurors or anyone else, do not listen to news reports regarding this case, do not research this case on the internet or any other social media.

5:41 p.m. Court in recess.